

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER JAMES,

Petitioner,

No. CIV S-04-1574 FCD PAN P

vs.

J. SOLIS, Warden,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 31, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed August 31, 2005, are adopted in full;

3 and

4 2. Respondent's October 15, 2004, motion to dismiss is granted and petitioner's
5 November 3, 2004, motion to stay this action while he returns to state court with his unexhausted
6 claim is denied and his November 3, 2004, motion to delete his third claim is granted so this
7 action proceeds on only the exhausted claims.

8 DATED: September 21, 2005

9
10 /s/ Frank C. Damrell Jr.
11 FRANK C. DAMRELL JR.
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26